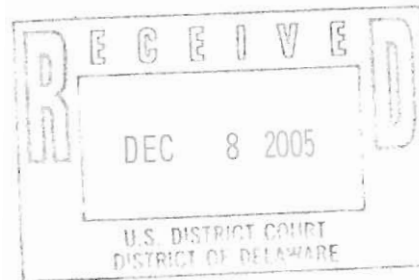


December 7, 2005

04-4.9

United States Court Of Appeals
For The Third Circuit
21400 US Courthouse
21st Floor
601 Market Streets
Philadelphia, PA 19106-1790



RE: Civil Action 05-1264

Attention: Clerk's Office

Attached, is a motion sent to counsel to be filed in this court regarding the Defendants in these proceedings, as well as defendants in other proceedings breach of contract. In that this settlement involves parties of whom some are pending in this case, but not in any state case, and one parties case (the party deciding settlement) is pending in the District Court who governs jurisdiction, I believe that since the deciding party is bound and holds diversity under this courts jurisdiction, that the issue governing specific performance should be ruled upon in this court.

All the appropriate parties have been copied.

Thank you,

Cathy D. Brooks-McCollum
PO Box 12166
Wilmington, DE 19850

cc: Harry Feinberg
Ferry, Joseph and Pearce
Jonathan L. Parshall